

# An ABSTRACT of the Act for Granting to His Majesty several Duties upon Coals and Culm.

Anno 9 & 10 W. III.

**E**NACTED, That for Five Years, from 15 May, 1698. there shall be Levied Pag. 340.  
and Paid to His Majesty, His Heirs and Successors, for all Coal and Culm  
( except Charcoal made of Wood, and Cinders made of Pitcoal ) the Du-  
ties after mentioned, over and above what are already Payable for the  
same, viz.

For all Coals Imported into this Kingdom from Scotland, or any Part beyond  
Sea, ( usually Sold by Weight ) 5 s. per Tun, each Tun being 20 Hundred, and  
each Hundred 112 Pounds *Averdupois*; and after that Rate for a greater or lesser  
Quantity; And for the like Imported Coals ( usually Sold by measure ) the Sum  
of 7 s. 6 d. per Chalder, each Chalder being 36 Bushels *Winchester* Measure; and  
after that Rate for a greater or lesser quantity; to be Paid by the Importer. p. 341.

For all Coals Shipped, or Waterborn in order to be Shipped, or laid on Board  
any Ship or Vessel, to be carried by Sea, and which shall be so carried by Sea from any  
Port of this Kingdom to any other Port thereof, the Sum of 5 s. per Chalder, if u-  
sually Sold by Measure, and 3 s. 4 d. per Tun, if usually sold by Weight, to be p. 342.  
Paid at the Importation or Landing, by the Owner, Master or other Person, ha-  
ving the Charge of the Ship or Vessel, or of the Coals so Imported.

For all Culm Waterborn in order to be Shipped within this Kingdom, or  
brought into the same, the Sum of 1 s. per Chalder, to be Paid where Imported by  
the Owner or Master, as aforesaid.

The Duties upon the said Coals and Culm so Imported or Waterborn, shall be  
under the Management of the Commissioners of the Customs, and shall be Collected  
and Paid into the Exchequer, distinct from all other Moneys, the necessary Charges  
of Management only excepted. p. 343.

The said Duties shall be paid to His Majesty, His Heirs or Successors, or to such  
Collector or Person as His Majesty, His Heirs or Successors, or the Commissioners  
of the Customs, or any Four or more of them shall Appoint under their Hands  
and Seals, before Bulk of the Ship or Vessel shall be broken, or any the Coals or Culm p. 344.  
Unladen, Measured or Weighed: And due Entries shall be made of all such Im-  
ported Coals and Culm, at the Custom-house where they are so Imported ( if any  
be there ) or else in the Custom-house of the next Port to the Place of Importa-  
tion. And if any such Coals or Culm be unshipped before the said Duties be Paid  
or Secured, the said Coals and Culm, and the Ship or Vessel, with all her Guns,  
Tackle, Furniture and Ammunition shall be Forfeited, One Moiety to the King,  
the other to the Seizer, Prosecutor or Informer.

His Majesty, His Heirs or Successors, or any Four or more of the Commissioners of p. 345.  
the Customs, under their Hands and Seals, may Appoint in every Port within this King-  
dom Meeters, Weighers or Measurers of the said Coals and Culm; who upon the Un-  
lading of any such Ship or Vessel, shall Deliver a Certificate to the Collector of the  
said Duties, of the Sorts and Quantity of Coals and Culm Measured or Weigh- p. 346.  
ed, and Delivered from any such Ship or Vessel, under the Penalty of 100 l.

And in case there was on Board a greater Number of Chalders or Tuns of Coals  
and Culm, than for which the Duty had been Answered and Paid, There shall be  
Paid for every Chalder or Tun so Concealed, over and above the Duty, the Sum  
of 10 s. under Penalty of Attaching and Detaining such Ship or Vessel till Pay-  
ment thereof, and of Selling the said Ship or Vessel, in case all the said Duties for  
such concealed Coals and Culm be not Paid, with Costs and Charges for such At-  
taching or Selling, Rendering the Overplus.

Provided, That if the Importer shall within Six days after the delivery of such Ship p. 347.  
or Vessel, and before her departure out of Port, give in his Post Entry, and Pay  
the whole Duty for the Surplusage, the said Penalty shall be Discharged.

The Officers for Receiving the said Duties, and for Weighing and Measuring such  
Coals and Culm, shall in every such Port and Place, Enter down in Books an Ac-  
count of the Duties so Paid or Received, and of the Payments and Disbursements of  
the same, and the Number of Chalders and Tuns so Imported, Landed and Unladen.

There shall be Allowed to every Master or Owner of any such Ship or Vessel Three  
Months time for Payment of the said Duty, giving such Security for the same as the  
Collector

p. 348. Collector or Chief Officer of the Port or Place shall Approve of, with an Allowance after the Rate of 10 per Cent. per An. for prompt Payment. And if any of the Coals or Culm for which the Duty shall be once Paid or Secured, be again Exported to any other Place of this Kingdom, there shall be no further Duty Paid for the same: And if any of the Coals for which the Duty shall be so once Paid or Secured, be afterwards carried beyond Sea, an Allowance out of the Over-sea Duties or Repayment shall be made of so much as was before Paid for the same Coals and Culm.

p. 349. Provided, That if any Person be Prosecuted for any thing done in Execution of this Act, he may Plead the General Issue, and give this Act in Evidence; And if a Verdict Pass for the Defendant, or the Plaintiff be Nonsuit, or forbear Prosecution, the Defendant shall have Treble Costs.

*An Abstract of the Act for Continuing the Duties upon Coffee, Tea and Chocolate and Spices, towards Satisfaction of the Debt due for Transport Service for the Reduction of Ireland, A° 9 & 10. W. 3.*

p. 354. ENacted, That the Additional and other Duties and Impositions upon the several sorts of Goods and Merchandizes Imported into this Kingdom, and from thence Exported, Expressed and Granted in and by an Act, An. 6 & 7. W. 3. Intituled, *An Act for Granting to His Majesty several Additional Duties upon Coffee, Tea, Chocolate and Spices, towards Satisfaction of the Debts due for Transport Service for the Reduction of Ireland*, shall be Continued from 1 May, 1698. and be Levied and Paid to p. 355. His Majesty, His Heirs and Successors till 1 May, 1701. And that the said Act, and all Powers, Articles and Clauses therein contained, shall continue in Force till the said 1 May, 1701. and shall be Practised and Executed for Levying and Paying the said Additional and other Duties and Impositions hereby continued, for Paying Interest for the Debt due for the said Transport Service.

*An Abstract of the Act for Determining Differences by Arbitration.*  
A° 9 & 10. W. 3.

p. 360. ENacted, That after 11 May, 1698. All Merchants and Traders, and others desiring to end any Controverſie, Suit or Quarrel (for which there is no other Remedy but by Personal Action or Suit in Equity) by Arbitration, may agree, That their submission of the Suit to the Award or Umpirage of any Person or Persons, should be made a Rule of any of His Majesties Courts of Record, which the Parties shall choose, and may Insert such their Agreement in their Submission, or the Condition of the Bond or Promise: And upon producing an Affidavit of such Inserting, and upon Reading and Filing such Affidavit in the Court so chose, the same may be Entred of Record in such Court; and a Rule of Court shall thereupon be made, That the Parties shall Submit to and finally be Concluded by such Arbitration or Umpirage; p. 361. And in Case of Disobedience thereto, the Party Neglecting or Refusing, shall be subject to all the Penalties of Contemning a Rule of Court, and Process shall issue accordingly, which shall not be stoppt or delayed, unless it appear on Oath that the Arbitrators or Umpire misbehaved themselves, and that such Award was corruptly or unduly procured; In which Case such Arbitration or Umpirage shall be void and set aside, by any Court of Law or Equity, so as such corruption or undue Practice be complained of in the Court where the Rule is made for such Arbitration, before the last day of the next Term after such Arbitration made and published to the Parties.

*An Abstract of the Act to Execute Judgments and Decrees saved in a Clause in an Act of the First Year of the Reign of King William and Queen Mary, Intituled, An Act for taking away the Court Holden before the President and Council of the Marches of Wales. A° 9 & 10. W. 3.*

p. 366. ENacted, That the High Court of Chancery, Court of Exchequer at Westminster, or Court of Great Sessions in the respective Counties in Wales, where the Cause or Causes originally arose, may issue forth Execution or Executions, and other Processes upon every Judgment or Decree, given or made in the Court held before the President and Council of the Marches of Wales, before 1 June 1689. as if such Judgment or Decree p. 367.



cree had been given or made in either of the said Courts of the Exchequer or Grand Sessions.

Provided, That the said Courts have power to Review, Rehear, Reverse or Affirm the said Judgments and Decrees.

*An Abstract of the Act for the better Payment of Inland Bills of Exchange.*

A° 9 & 10. W. 3.

**E**Nacted, That after 24 June, 1698. All Bills of Exchange Drawn in or Dated, at and from any Place in this Kingdom, of the Sum of 5*l*. Sterling or upwards, upon any Person in London, or any other Trading City, Town or Place (in which Bills the Value shall be expressed to be received) Drawn Payable at a certain time after the Date thereof, may after Acceptance in Writing, and the expiration of Three days after the same shall be due, be Protested by a Notary Publick, or in default of such Notary Publick, by any other substantial person of the Place before Two Witneses, Refusal or Neglect being first made of due payment; which Protest shall be made under a Copy of the Bill in the form prescribed by the Act, and shall be Notified within Fourteen days after to the Party from whom the Bills were received, who (upon producing such Protest) is to Repay the said Bills with Interest and Charges from the Protesting: For which Protest there shall not be paid above 6*d*. And in default of such Protest, or due Notice thereof, the Person so failing shall be liable to all Costs, Damages and Interest thereupon. Provided that if any such Inland Bills be lost or miscarry, within the time limited for payment of the same, the Drawer of the said Bills shall give other Bills of the same tenour, Security being given to Indemnify him in case the said Bills so lost or miscarried be found again.

*An Abstract of the Act to Naturalize the Children of such Officers and Soldiers, and others the Natural Born Subjects of this Realm, Who have been Born Abroad During the War, the Parents of such Children having been in the Service of this Government. A° 9 & 10. W. 3.*

**E**Nacted, That Francis Colenbine and Ventris Colenbine, Sons of Col. Ventris Colenbine and Barbara his Wife, Robert Wroth, Son of Lieut. Col. Wroth, and Knightley his Wife, John Gysbert Farwell an Infant, Son of Lieut. Col. John Farwell, and Elizabeth his Wife, Thomas Uthmat, Son of Richard Uthmat, and Martha his Wife, and all other Persons who since 13 Febr. 1688. or at any time since the beginning of the late War with France, and before 25 Mar. 1698. were Born out of His Majesties Dominions, and whose Fathers or Mothers were Natural Born Subjects of this Realm, and were then actually in the Service of His Majesty, or of His Majesty and the late Queen, are Declared to be Natural Born Subjects of this Kingdom, as if they had been Born in England.

And that they shall be able to Challenge and Enjoy any Lands, Tenements and Hereditaments, and all other Privileges of Natural Born Subjects, and to make their Resort or Pedigree, as Heir to their Ancestors, Lineal or Collateral; And to have and Enjoy Lands, Tenements and Hereditaments, by Purchase or Gift, and to Prosecute all manner of Actions and things, as freely as if they had been Born in England.

Provided that no Person expressly Named in this Act, shall have Benefit thereby, if in 5 years after the Age of 14 Years, they neglect to Receive the Sacrament, and take the Oaths Appointed, A° 1 W. M. in some of the Courts of Record at Westminster.

Provided also, That no Person intended to be Naturalized by General Words, shall have Benefit thereby, if in 5 years after the Age of 14 years, they neglect to Receive the Sacrament, and take the Oaths aforesaid, and make Proof of their being Born out of the Realm, within the times before mentioned, and that their Father or Mother was a Natural Born Subject, and Actually in the Kings, or King and Queens Service at their Birth.

Any Person expressly Named in this Act, may during the said 5 years, after the Age of 14 years, make Proof upon Oath, in any the Courts of Record at Westminster, that such Person did Receive the Sacrament and take the said Oaths: And any Persons intended to be Naturalized by the General Words, may likewise during the said 5 years, after the Age of 14 years, make like Proof in such Court,

Court, as well of their Receiving the Sacrament, and taking the Oaths, as of their being Born within the times limited, of a Father or Mother that was a Natural Born Subject, and then in the Kings Service: All which Proofs being made to the Satisfaction of the said Court, shall be there Recorded, and a Certificate thereof Given, under the Seal of the said Court, upon shewing whereof, every such Person shall have the full Benefit of this Law.

*An Abstract of the Act for the better Preventing the Counterfeiting, Clipping, and other Diminishing the Coin of this Kingdom. A° 9 & 10 W. 3.*

P. 437. **E**Nacted, That any Person to whom any Piece or Pieces of Silver Money shall be Tendred, being Diminisht, otherwise than by Wearing, or by the Stamp, Impression, Colour or Weight, Suspected to be Counterfeit, may Cut, Break or Deface such Piece or Pieces: And thereupon appearing Counterfeit, the Tenderer shall bear the Loss, but being of due Weight, and appearing Lawful Money, the Person who Cut it shall take it for what it was Coined for.

P. 438. If any Dispute arise whether the Piece so Cut be Counterfeit, it shall be Determined by the Mayor, Bayliffs, or Chief Officer of the Place where Tendred, if a City or Town Corporate, or if not, then by the next Justice of Peace of the County.

The Tellers of the Exchequer, their Deputies and Clerks, and the Receivers General of His Majesties Revenue shall Cut, Break or Deface every Piece of Counterfeit or unlawfully Diminisht Silver Money, Tendred them in Payment for His Majesties Use: And the said Tellers and Receivers General, their Deputies and Clerks, shall Weigh all Silver Money by them Received, and the same or any P. 439. Piece thereof, appearing by the Weight, or otherwise, to be Counterfeit or Unlawfully Diminisht, shall not be Received by or from them in the Exchequer.

The Act made the last Session of this present Parliament, Intituled, *An Act for the better Preventing the Counterfeiting the Current Coin of this Kingdom*, and every Article thereof, shall be in Force till 25 March, 1701. and thence to the end of the next Session of Parliament.

*An Abstract of the Act to Repeal an Act made in the 39th year of the Reign of Queen Elizabeth, Intituled, An Act to Restraine the Excessive Making of Malt, and to Discharge and Vacate Orders made by Justices of Peace by virtue thereof, for Restraining Malsters from making Malt. A° 9 & 10 W. 3.*

P. 444. **W**Hereas there hath been some doubt whether the Act made 39 Eliz. Intituled, *An Act to Restraine the Excessive making of Malt*, Be now in Force, yet nevertheless several Justices of Peace at their Quarter Sessions, have made Orders to Restraine Malsters from Buying of Barley for Malting, and from Exercising the Imploy of Malting for a year, to the lessening His Majesties Revenue by the Duty of 6 d. per Bushel laid on Malt, and a Discouragement to Malsters: Enacted, That the said Act of A° 39 Eliz. be Repealed, and all Orders made by Justices of Peace, for Restraining Malsters from making of Malt, since the said Duty of Six Pence a Bushel was laid on Malt, are hereby Vacated.

L O N D O N,

Printed by Charles Bill, and the Executrix of Thomas Newcomb, deceased, Printers to the Kings most Excellent Majesty. 1698.